

ONTARIO  
Superior Court of Justice



Electronically issued: 2018/06/15

Thunder Bay - SCJ

**Plaintiff No. 1**

Thunder Bay Small Claims Court

Small Claims Court

125 Brodie Street North Thunder Bay ON  
P7C 0A3

Address

(807) 626-7100

Phone number

Amended  
**Plaintiff's Claim**  
Form 7A Ont. Reg. No.: 258/98

SC18000004090000

Claim No.

FILED  
INSCRIT

DEC 13 2018

☐ Additional plaintiff(s) listed on attached Form 1A.

☐ Under 18 years of age

Last name, or name of company

Morrow

First name

Michael

Second name

Also known as

Address (street number, apt., unit)

333 Strand Avenue

City, town or village

Thunder Bay

Province

Ontario

Phone no.

(807) 621-5049

Postal code

P7B 5A6

Canada

Fax no.

Representative

LSUC #

Address (street number, apt., unit)

City, town or village

Province

Phone no.

Postal code

Fax no.

**Defendant No. 1**

☐ Additional defendant(s) listed on attached Form 1A.

☐ Under 18 years of age.

Last name, or name of company

Air Canada

First name

Second name

Also known as

Address (street number, apt., unit)

100 Princess St

City, town or village

Thunder Bay

Province

Ontario

Phone no.

(888) 247-2262

Postal code

P7E 6S2

Canada

Fax no.

Representative

LSUC #

Address (street number, apt., unit)

City, town or village

Province

Phone no.

Postal code

Fax no.

Les formules des tribunaux sont affichées en anglais et en français sur le site  
[www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca) . Visitez ce site pour des renseignements sur des formats accessibles.

## REASONS FOR CLAIM AND DETAILS

Explain what happened, including where and when. Then explain how much money you are claiming or what goods you want returned.

If you are relying on any documents, you **MUST** attach copies to the claim. If evidence is lost or unavailable, you

**MUST** explain why it is not attached.

**What happened? Where? When?**

*June (2016)*  
I was flying from Vancouver to Thunder Bay on July 16, 2016. My flight was delayed 3 hours approx.. The result was that I had to overnight in Toronto and got home the next day. This resulted in a lost day at work and additional costs.

Air Canada tariff requires that they pay for any damages as a result of their delay.

I require a bilingual judge since many documents that I present will be in French

How much? \$ 1,200.00  
(Principal amount claimed)

☐ ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

The plaintiff also claims pre-judgment interest from 2016/06/16 under:  
(Date)

(Check only one box) ☒ the Courts of Justice Act  
☐ an agreement at the rate of \_\_\_\_\_ % per year

and post-judgment interest, and court costs.

Prepared on: 06/15, 20 18 Submitted online by: Michael Morrow  
(Signature of plaintiff or representative)

Issued on: \_\_\_\_\_, 20 \_\_\_\_\_  
(Signature of clerk)

**CAUTION TO  
DEFENDANT:**

**IF YOU DO NOT FILE A DEFENCE** (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website:  
[www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca)

**CAUTION TO  
PARTIES:**

Unless the court orders or the rules provide otherwise, **THIS ACTION WILL BE AUTOMATICALLY DISMISSED** if it has not been disposed of by order or otherwise two (2) years after it was commenced and a trial date or assessment under subrule 11.03(2) has not been requested.



For information on accessibility of court services for people with disability-related needs, contact:



Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575

**Jamie Renaud**  
Paralegal



CENTRE AIR CANADA 1276  
C.P. 7000, Succursale Aéroport  
Dorval (QC) H4Y 1J2  
T : 514 422-7504  
F : 514 422 5829  
[jamie.renaud@aircanada.ca](mailto:jamie.renaud@aircanada.ca)

**FEDEX**

January 2, 2019

**WITHOUT PREJUDICE**

Mr. Michael Morrow  
333 Strand Avenue  
Thunder Bay ON P7B 5A6

File: **Michael Morrow v. AIR CANADA**  
**Court file number : SC18000004090000**  
**Our file number: LIT-2018-491489**

Dear Mr. Morrow,

Please find enclosed a copy of Air Canada's Defence in relation to the above mentioned matter.

I remain at your disposal for any question or comment.

Yours truly,

A handwritten signature in black ink, appearing to be "JR" or similar, written over a faint, larger outline of the signature.

**Jamie Renaud**  
Paralegal - Air Canada

Encl.

**SCHEDULE "A"**

Thunder Bay Small Claims Court  
Court file No. SC18000004090000

Michael Morrow

Plaintiff

-and-

AIR CANADA

Defendant

**STATEMENT OF DEFENCE**

1. Unless expressly admitted elsewhere in this Defence, Air Canada expressly denies each and every allegation contained in the Claim as against it and puts the Plaintiff to the strict proof thereof;
2. Air Canada is an air carrier specialized in the carriage of passengers, baggage and cargo and duly authorized to operate its activities in the Canadian and international air transportation field;
3. Air Canada entered into a contract of carriage by air with the Plaintiff for carriage on flights AC1108 and AC8547 from Vancouver, to Thunder Bay, on June 16, 2016;
4. Flight AC1108 having been delayed for reasons out of Air Canada's control, the Plaintiff missed his connecting flight from Toronto to Thunder Bay. Air Canada rebooked him on the next available flight to Thunder Bay the next day;
5. Air Canada pleads and relies on the General Conditions of the contract of carriage between the Plaintiff and Air Canada as contained in the passenger ticket. Air Canada further relies on the Terms and Conditions of the contract of carriage between the Plaintiff and Air Canada, including the terms incorporated into the contract of carriage and contained in Air Canada's Tariff published and made available in accordance with regulations under the Canada Transportation Act, S.C. 1996, c. C-10;
6. Air Canada denies that the Plaintiff suffered any losses/damages and puts the Plaintiffs to the strict proof thereof;
7. Air Canada pleads that if it is liable for any damages, which is specifically denied, the Plaintiff's Claim is subject to the restrictions and limitations of liability in accordance with the Carriage by Air Act, R.S.C. 1985, c. C-26;

8. In the further alternative, if the Plaintiff suffered damages, which is specifically denied, Air Canada pleads that the damages sought by the Plaintiff are excessive, too remote and were not caused by it;
9. Air Canada therefore submits that this action be dismissed as against it with costs.

Superior Court of Justice  
Cour supérieure de justice

Endorsement Record/Order of the Court  
Fiche d'inscription/Ordonnance judiciaire

Thunder Bay SCJ  
Small Claims Court / Cour des petites créances de  
125 Brodie Street North  
Address / Adresse  
Thunder Bay, ON P7C 0A3  
(807)626-7100  
Phone number / N° de téléphone

SC-18-00000409-0000  
Court File No./ N° de la demande

BETWEEN / ENTRE:

Michael Morrow

Plaintiff  
Demandeur

and / et

Air Canada

Defendant  
Défendeur

Representative of the plaintiff(s):

Self represented

Représentant du demandeur:

Representative of the defendant(s):

Clay Hunter

Représentant du défendeur:

Event type:

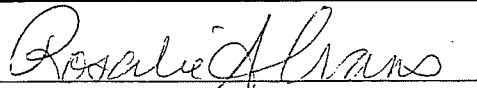
Settlement Conference

Type d'affaire:

On 04-MAR-2019, a hearing was held in the above matter and the following order was made:

Le 04-MAR-2019, une audience a eu lieu concernant l'affaire susmentionnée, et l'ordonnance suivante a été rendue:

1. The Plaintiff will set this matter down for trial.
2. This case will be heard immediately following, or immediately before, the case with the same parties, and Claim number SC-18-00001820.
3. No later than 60 days prior to the commencement of trial, each party will provide the other with the following:
  - a) copies of any and all documents, photographs, videos, recordings or other evidence on which the party will rely at trial;
  - b) a final witness list; and
  - c) a "will say" statement for each witness.
4. This Court so Orders.

  
Signature of judge / Signature du juge  
Rosalie A. Evans  
Deputy Judge

Superior Court of Justice  
*Cour supérieure de justice*

Endorsement Record/Order of the Court  
Fiche d'inscription/Ordonnance judiciaire

SC-18-00000409-0000

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Court File No./ N° de la demande

Air Canada  
7373 BOULEVARD COTE VERTU, QUEST  
ATTN: MARIE HELENE DESGROSEILLIERS  
SAINT LAURENT QC Canada H4S 1Z3

Michael Morrow  
333 Strand Avenue  
Thunder Bay ON Canada P7B 5A6



**Superior Court of Justice  
Cour supérieure de justice**

**Notice of Trial  
Avis de procès**

Thunder Bay SCJ  
Small Claims Court / Cour des petites créances de  
125 Brodie Street North  
Address / Adresse  
Thunder Bay, ON P7C 0A3  
(807)626-7100  
Phone number / N° de téléphone

SC-18-00000182-0000  
Claim No. / N° de la demande

**BETWEEN / ENTRE**

Michael Morrow ; Brunina Morrow

and / et  
Air Canada

Plaintiff(s) / Demandeur(s)

Defendant(s) / Défendeur(s)

**TO THE PARTIES:  
AU(X) PARTIES :**

THIS COURT WILL HOLD A TRIAL on 12-AUG-2019 at 10:02 AM  
LE TRIBUNAL PRÉCITÉ TIENDRA UN PROCÈS le: 12 à

a.m./p.m., or as soon as possible after that time, at  
(heure) ou dès que possible après, à/au

13 Aug 19 10:00

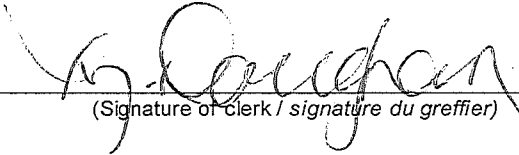
**125 BRODIE ST N, THUNDER BAY ON P7C 0A3 SCC TRIAL ROOM**

(Address of court location & courtroom number / Adresse du tribunal et numéro de la salle d'audience)

and thereafter as may be required from time to time.  
et par la suite, au besoin.

**CAUTION:** IF YOU FAIL TO ATTEND THIS TRIAL, your claim may be dismissed or judgment may be given against you, with costs, in your absence.  
**AVERTISSEMENT :** SI VOUS NE VOUS PRÉSENTEZ PAS À CE PROCÈS, votre demande pourra être rejetée ou un jugement pourra être rendu contre vous, avec dépens, en votre absence.

Le 12-MAR-2019

  
(Signature of clerk / signature du greffier)

**TO/À :** Brunina Morrow  
333 Strand Avenue  
Thunder Bay ON Canada P7B 5A6

**Superior Court of Justice  
Cour supérieure de justice**

**Notice of Trial  
Avis de procès**

Thunder Bay SCJ  
Small Claims Court / Cour des petites créances de  
125 Brodie Street North  
Address / Adresse  
Thunder Bay, ON P7C 0A3  
(807)626-7100  
Phone number / N° de téléphone

SC-18-00000409-0000  
Claim No. / N° de la demande

**BETWEEN / ENTRE**

Michael Morrow

Plaintiff(s) / Demandeur(s)

and / et  
Air Canada

Defendant(s) / Défendeur(s)

**TO THE PARTIES:  
AU(X) PARTIES :**

THIS COURT WILL HOLD A TRIAL on  
LE TRIBUNAL PRÉCITÉ TIENDRA UN PROCÈS le:

13-AUG-2019

at  
à

10:02 AM

a.m./p.m., or as soon as possible after that time, at  
(heure) ou dès que possible après, à/au

**125 BRODIE ST N, THUNDER BAY ON P7C 0A3 SCC TRIAL ROOM**

(Address of court location & courtroom number / Adresse du tribunal et numéro de la salle d'audience)

and thereafter as may be required from time to time.  
et par la suite, au besoin.

**CAUTION:** IF YOU FAIL TO ATTEND THIS TRIAL, your claim may be dismissed or judgment may be given against you, with costs, in your absence.  
**AVERTISSEMENT :** SI VOUS NE VOUS PRÉSENTEZ PAS À CE PROCÈS, votre demande pourra être rejetée ou un jugement pourra être rendu contre vous, avec dépens, en votre absence.

12-MAR-2019

Le

(Signature of clerk / signature du greffier)

**TO/À :** Michael Morrow  
333 Strand Avenue  
Thunder Bay ON Canada P7B 5A6

Scheduled for  
August 12/19  
@ 10:00 am

5C-18-00000182  
Claim No.

Phone number

MAR 08 2019

LOCAL REGISTRAR / GREFIER LOCAL  
ONTARIO SUPERIOR COURT OF JUSTICE  
COUR SUPÉRIEURE DE JUSTICE DE L'ONTARIO  
THUNDER BAY, ON

Michael Morrow and Brown & Morrow  
Plaintiff(s)

Plaintiff(s)

Air Cansels and

Defendant(s)

(Name of Small Claims Court location)

Michel Mollon

(Name of party/representative)

01/09/2019 12:16PM 0000083415 \*\*\*  
MASTER C \$145.00

☐ note défendant(s)

(Name of defendant(s))

in default for failing to file a Defence (Form 9A) within the prescribed time period [R. 11.01(1)].

☐ schedule an assessment hearing (all defendants have been noted in default) [R. 11.03(2)(b)].

☐ schedule a terms of payment hearing because I dispute the defendant's proposed terms of payment contained in the Defence (Form 9A) [R. 9.03(3)].

☒ schedule a trial [R. 16.01(1)(b)].

☐ accept payment in the amount of \$ \_\_\_\_\_ into court  
(Amount)

☐ according to an order of the court, dated \_\_\_\_\_, 20\_\_\_\_

☐ for a person under disability according to an order or settlement dated \_\_\_\_\_, 20\_\_\_\_ [R. 4.08(1)].

☐ pursuant to the attached written offer to settle, dated \_\_\_\_\_, 20 \_\_\_\_ [R. 14.05(2)].

☐ according to the following legislation:

(Name of statute or regulation and section)

Les formules des tribunaux sont affichées en anglais et en français sur le site [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca). Visitez ce site pour des renseignements sur des formats accessibles.

SC-18-00000182

Claim No.

-0000

☐ Other: (Specify.)

March 08, 20 19



(Signature of party or representative)

**CAUTION:**

To obtain an assessment of damages, all defendants must be noted in default. If one or more defendants has filed a defence, the matter must proceed to a settlement conference. To bring a motion in writing for an assessment of damages, file a Notice of Motion and Supporting Affidavit (Form 15A). You can get forms at court offices or online at [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca).